

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4668 of 1998

ORAL ORDER:

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This writ petition is filed seeking a Mandamus declaring the action of the respondents in not regularizing the services of the petitioner as Spinner in the Coir Board as arbitrary, illegal and contrary to the Rules and consequently direct the respondents to pay arrears of salary in the time scale of Spinner post with effect from the date of completion of 240 days service by the petitioner.

It is the case of the petitioner that he was appointed as Spinner in the Demonstration-cum-Production Center (DCPC) Coir Board at Rustumbada village, Narsapur mandal, West Godavari district by proceedings of the Regional Coir Development Officer dated 2.7.1991. While so, the services of the petitioner were sought to be terminated with effect from 8.1.1992. However, as per the directions of this Court in W.P.No.5790 of 1992, petitioner was reinstated into service on 15.5.1992. The petitioner was appointed on a consolidated pay of Rs.750/- per month and it was enhanced to Rs.1,000/- per month. Thereafter, it was enhanced to Rs.4,500/- per month with effect from November, 2006. By the time the writ petition was filed, the petitioner had put in (7) years of unblemished service. In spite of the same, his services were not regularized and he was not put on time scale. According to the petitioner, he is entitled for regularization in the cadre of Spinner and also entitled for regular timescale. Though he made several representations, there was no response. Hence the writ petition.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioner. However, the appointment of the petitioner is not disputed. At para 4 of the said counter, it is stated that the Board has to transfer the infrastructure of the centre to the State Government and the State Government would not accept the liability of staff, therefore, question of permanent appointment does not arise. As directed by this Court in W.P.No.5790 of 1992, petitioner was allowed to continue in service as

Spinner with effect from 18.5.1992 on a consolidated pay and the case of the petitioner will be considered for regular appointment when the Board's proposal to take over the Regional Coir Training and Development Centre/Demonstration-cum-Extension Centre/Demonstration-cum-Production Centre etc., is approved by the Government of India. The matter is still pending with the Government. The Board is making earnest efforts to run the centre, for which approval of Government of India is required and until such time, Board is not in a position to make any regular appointments. This counter was filed on 25.2.1998 i.e., immediately after filing the writ petition. What transpired during the pendency of writ petition is not known either to the petitioner or to the respondents.

Under those circumstances, the writ petition is disposed of directing the respondents to regularize the services of the petitioner in the post of Spinner as soon as the Centre is taken over by the State Government, as per law. Till such time, the services of the petitioner shall not be disturbed. No order as to costs.

C.V.RAMULU, J

Date: 28.3.2007

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**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4668 of 1998

Date: 28th March, 2007

Between:

V.Satyanarayana

And

.. Petitioner

The Secretary to Government of India,
Ministry of Industry, Department of
Small Scale Industries and Agro Rural
Industries, Udyog Bhavan, New Delhi & others.

.. Respondents